

A000000216

1 A. Yeah.

2 Q. And you walked -- did you actually get outside
3 before you saw the other kids?

4 A. Yeah. I got ready to cross the street and then --

5 Q. Would that be Washington, the one we talked about,
6 Washington?

7 A. Yeah, right down there. Yeah, I was getting ready
8 to cross the street and that's when everyone came out.

9 Q. Came out of the school?

10 A. Out of the school, yes.

11 Q. You spotted them?

12 A. (Witness moved head up and down.)

13 Q. You said you hid inside the laundromat.

14 A. Yeah.

15 Q. Why did you hide inside the laundromat?

16 A. Because I didn't want to be hurt or anything
17 because that's when everyone was getting out of P.A.S.S., so
18 I hid in the laundromat.

19 Q. Who did you think might hurt you?

20 A. Everyone, 'cuz they were big kids, 'cuz they
21 were -- I was really short.

22 Q. Had any of those kids hurt you before?

23 A. Just C [REDACTED] B [REDACTED] and B [REDACTED] B [REDACTED] with the
24 names verbally, and C [REDACTED] physically with the pencils and
25 stuff.

A000000217

1 Q. Had C [REDACTED] -- I think you said C [REDACTED] poked you
2 with a pencil in Mrs. Scully's class?

3 A. Yes.

4 Q. One time?

5 A. More than once.

6 Q. More than once. Did he always poke you with a
7 pencil or would he do other things?

8 A. Poked me with a pencil or he would just -- he
9 would take his hand and just tap me on my back. And I kept
10 on asking for my seat to be moved, but they wouldn't move my
11 seat.

12 Q. Where did C [REDACTED] sit, behind you, beside you?

13 A. Behind.

14 Q. Right behind you --

15 A. Next seat.

16 Q. -- the next seat back. What classes did you have
17 with Charles Bibbs?

18 A. Science with Miss Scully. I can't remember the
19 other one, there was another one.

20 Q. One more?

21 A. Yeah, but I can't remember.

22 Q. If we went through the list would that help? That
23 would be Exhibit A, this is your pupil progress report. I
24 guess that is your report card we used to call them.
25 English, reading, social studies -- let me go slower.

A000000218

1 English with Mrs. Manus. Reading with Miss Gray. Social
2 studies with Mrs. Manus. Math with Miss Gray. Science with
3 Miss Scully. Home economics with -- is that Miss Vallimont?
4 I guess you didn't remember. Beginning strings with a
5 teacher named Donch and health with a teacher named Johnson.
6 Does that help you at all?

7 A. (Witness moved head side to side.)

8 Q. Okay. One other class with C [REDACTED] B [REDACTED] right?

9 A. Yeah.

10 Q. C [REDACTED] B [REDACTED] then -- the physical contacts he had
11 with you before the day he hurt you was poking you with a
12 pencil and taping you with a pencil from behind as he sat
13 behind you?

14 A. Yeah.

15 Q. Anything else?

16 A. No.

17 Q. Before that day, before the day C [REDACTED] B [REDACTED] hurt
18 you by the laundromat, B [REDACTED] C [REDACTED] had called you names
19 but not ever touched you?

20 A. No, not until that night with the visor.

21 Q. Okay. How about A [REDACTED] had he ever said
22 anything to you that was bothersome?

23 A. He would mainly just when I got up he would follow
24 me and say things to me, and I got really creeped out around
25 him.

A000000219

1 Q. Creeped out?

2 A. Yeah.

3 Q. Does that mean he scared you?

4 A. Yeah.

5 Q. What kinds of things did A [REDACTED] say to you before
6 the day that C [REDACTED] B [REDACTED] hurt you?

7 A. You're going to get something. That would scare
8 me, I didn't know what things.

9 Q. Was that in class?

10 A. Yeah, in Miss Scully's class he was in her class
11 with me.

12 Q. Was that the only class you had with A [REDACTED]

13 A. Unh-unh.

14 Q. You had more?

15 A. I had him with Miss Manus also for social studies.

16 Q. In both of those classes did A [REDACTED] bother you?

17 A. Not really.

18 Q. Just Skully's class?

19 A. Sometimes he bothered me in Miss Skully's class.

20 Q. When B [REDACTED] called you -- what classes did you have
21 with B [REDACTED]

22 A. I can't remember now.

23 Q. Let me ask you this: Did you have any classes
24 with B [REDACTED]

25 A. I think I had one class with B [REDACTED]

A000000220

1 Q. Do you remember who the teacher was?

2 A. Unh-unh.

3 Q. Is that where B [REDACTED] bothered you, where she called
4 you names?

5 A. Yeah, in the classes and on my way to my next
6 period.

7 Q. In the hallway?

8 A. Yeah.

9 Q. Did you tell any of your teachers about these
10 three kids bothering you before the day that you were hurt
11 at the laundromat?

12 A. Yeah, I told Miss Scully that C [REDACTED] would not
13 leave me alone, and I asked her to move my seat, but she
14 still said no. She didn't say no, but she actually didn't
15 move it at all.

16 Q. Did you sit in the first row?

17 A. Yeah.

18 Q. Did C [REDACTED] sit in the second row?

19 A. Right behind me.

20 Q. Right behind you. Did you notice whether

21 Miss Scully did anything or said anything to C [REDACTED] B [REDACTED]

22 A. She would just say, whatever you are doing stop,
23 and that's about it.

24 Q. Before the day that you were hurt by C [REDACTED] B [REDACTED]
25 near the laundromat and hit by B [REDACTED] C [REDACTED] I think you

A000000221

1 said in the laundromat, before that day did you ever
2 complain to Miss Cappabianca about C [REDACTED] B [REDACTED] A [REDACTED] or
3 B [REDACTED] C [REDACTED]

4 A. I complained to her many times about C [REDACTED]
5 B [REDACTED]

6 Q. What did you tell her when you complained, always
7 the same thing or different things?

8 A. The same thing. He wouldn't leave me alone, and I
9 kept on asking the teacher to move my seat and she didn't do
10 anything about it. I was tired of him poking me and stuff.

11 Q. What did Miss Cappabianca say to you when you
12 complained to her?

13 A. She said she would take care of it.

14 Q. Did you have that class with Miss Scully every day
15 of the week?

16 A. For science?

17 Q. The one that C [REDACTED] B [REDACTED] sat behind you in.

18 A. I can't remember.

19 Q. Did C [REDACTED] B [REDACTED] bother you every single day?

20 A. Mostly, couple times he didn't.

21 Q. B [REDACTED] C [REDACTED], would she bother you every single
22 day?

23 A. (Witness moved head side to side.)

24 Q. No?

25 A. Just sometimes when she had moods. Can I ask you

A000000222

1 a question? Are we almost done?

2 Q. I'm afraid not. Do you want to take a break?

3 A. I'm tired.

4 MRS. L [REDACTED]: You want to take a break, walk around?

5 THE WITNESS: I want to hurry up and get this over
6 with.

7 Q. Well, we have to -- I'm sorry, I have to do what I
8 have to do to cover all the territory. It is going to take
9 a while. Do you want to take a little break? I'll be happy
10 to do that, whatever you need to do.

11 A. Yeah. I am hungry also.

12 (Brief recess.)

13 MR. MARNEN: Back on the record.

14 THE WITNESS: You're confusing me with all these
15 dates.

16 MR. MARNEN: Okay. I think you're doing pretty
17 well. I don't intend to confuse you. If I am,
18 please tell me and I will try to correct myself.

19 Q. Did you complain to anybody about A [REDACTED] before
20 you were hurt near the laundromat?

21 A. No.

22 Q. No. Before the day you were hurt at the
23 laundromat, did you know the young lady sitting at the end
24 of the table here?

25 A. (Witness moved head up and down.)

A000000223

1 Q. Yes?

2 A. Yes.

3 Q. What is her name?

4 A. R [REDACTED] P [REDACTED]

5 Q. When did you first meet R [REDACTED]

6 A. When? I don't remember exactly when, but she
7 was --

8 THE WITNESS: What was the one street you lived on
9 R [REDACTED]

10 MS. POLANCY: I don't remember.

11 Q. Did you meet her at school, K [REDACTED]

12 A. We went to Sarah Reed together.

13 Q. Did you know her at Strong Vincent too?

14 A. Yeah, 'cuz we got into a fight. She pulled my
15 hair in the classroom.

16 Q. Did you go to Sarah Reed before seventh grade?

17 A. I don't know.

18 Q. Were you friends with R [REDACTED] at Strong Vincent?

19 A. (Witness moved head up and down.)

20 Q. Yes?

21 A. Um-hmm.

22 MRS. L [REDACTED] Yes or no, remember?

23 A. Yes.

24 Q. Did you at any time before the day that you were
25 hurt by C [REDACTED] B [REDACTED] and hit by B [REDACTED] C [REDACTED], did you

A000000224

1 ever skip class?

2 A. The one time, that's when I skipped class and
3 stayed in the bathroom.

4 Q. Who stayed in the bathroom?

5 A. I stayed in the bathroom, that's when I had got
6 P.A.S.S. for skipping class.

7 Q. Okay. Why did you skip class?

8 A. Because I was just tired of C [REDACTED] so I skipped
9 class.

10 Q. Was R [REDACTED] with you when you skipped class?

11 A. I don't remember.

12 Q. You were in the girls' room?

13 A. Um-hmm.

14 Q. Which girls' room?

15 A. In the -- I don't know, the girls' room.

16 Q. Near where you went to classes up there on the
17 second floor?

18 A. I don't know. I just went into one of the girls'
19 rooms.

20 Q. Did someone come in there and get you?

21 A. After a while, 'cuz they see who is in class and
22 who is not and noticed I wasn't there.

23 Q. Who came in to get you?

24 A. I don't know. I don't know her name.

25 Q. It wasn't Mrs. Cappabianca -- Miss Cappabianca?

A000000225

1 A. I don't know.

2 Q. Okay. Let's go back to the day you were hurt near
3 the laundromat. You saw the kids getting out of the school,
4 you saw they were the bigger kids, did you see that one of
5 them was C [REDACTED] B [REDACTED]

6 A. No. The first person I actually noticed was
7 Becky.

8 Q. Were you afraid of B [REDACTED]

9 A. (Witness moved head up and down.)

10 Q. Yes?

11 A. Very.

12 Q. Very afraid?

13 A. Yes.

14 Q. Why were you afraid of B [REDACTED]

15 A. I don't know, probably because of the things --
16 names she called me. She sounded very violent when she said
17 them so I was afraid, 'cuz she sounded really, really
18 violent.

19 Q. She sounded violent?

20 A. Yeah.

21 Q. Because of the names she called you?

22 A. Something like that, how she said them.

23 Q. Very threatening?

24 A. Yeah.

25 Q. Did you ever see Becky beating up or hitting other

A000000226

1 kids?

2 A. Um-hmm.

3 Q. Did that happen in school?

4 A. Um-hmm.

5 Q. Tell me about some of those things. What kinds of
6 things did she do?

7 A. She beat up this little -- it's not a little kid,
8 but he was kind of slow.

9 Q. Yes.

10 A. I mean really slow.

11 Q. Yes.

12 A. And he would go -- she would go up to him and
13 start calling him names. And he called her a name and then
14 from there on she started beating him up.

15 Q. Did she hit him in the face with her hands?

16 A. I know she took his arm and bent his arm this way
17 (indicating).

18 Q. Bent it back?

19 A. Yeah.

20 Q. Did she hit him with her fists?

21 A. Yeah, right in the face.

22 Q. Did anything happen to her because of that?

23 A. I can't remember.

24 Q. Did B[REDACTED] ever pick on other kids physically
25 besides that boy?

A000000227

1 A. I don't know because I wasn't paying attention to
2 her 24/7.

3 Q. I know that but --

4 A. But when I was, no, just only him.

5 Q. Did you think she was a bully?

6 A. Yeah.

7 Q. Did she say things to kids besides you?

8 A. Um-hmm.

9 Q. Did she hit kids other than you?

10 A. That one boy.

11 Q. Just the one boy?

12 A. I don't know about anyone else because I wasn't
13 there, but I witnessed what she did to that boy. I must
14 have been in the right place at the right time.

15 Q. Or the wrong place at the wrong time.

16 A. Yeah.

17 Q. Did B [REDACTED] ever mouth off to teachers?

18 A. Yes. She had a very big attitude problem.

19 Q. Did anything ever happen to her because of her bad
20 conduct, as far as you knew?

21 A. She kept on being sent down to the principal's
22 office, and then she kept getting written up.

23 Q. Getting written up?

24 A. Um-hmm.

25 Q. Does that also mean getting P.A.S.S.?

A000000228

1 A. She had P.A.S.S. quite a few times.

2 Q. There were other things that could happen to you,
3 right, you could get suspension after school by a teacher?

4 A. (Witness moved head up and down.)

5 Q. Did she ever get that, do you know?

6 A. I don't know. She got detention before.

7 Q. Detention. Did she ever have to go on a Saturday
8 or anything like that?

9 A. I know I had a couple Saturdays before.

10 Q. Let me show you something.

11 A. How many more is there to go?

12 Q. You know what, I never really know, I just sort of
13 wander around; do you mind? You do mind, don't you?

14 (DEFENDANTS' EX. C - STUDENT HANDBOOK,
15 marked for identification.)

16 Q. Did you ever see that before, Becky?

17 A. They gave us --

18 Q. Sorry, K [REDACTED]

19 A. -- a little one where we read. We read them, they
20 are little blue ones.

21 Q. Would you go back to -- I will help you get
22 there -- Page 11. There you go. Says the continuum of
23 consequences and there are one, two, three, four, five, six
24 things that can happen to you. Do you know if Becky ever
25 got after school detention?

A000000229

1 A. Yeah, she got detention with teachers and stuff,
2 yeah.

3 Q. Saturday detention?

4 A. She was in there a couple times, but I was in
5 there a few times too.

6 Q. After school suspension, that's P.A.S.S., isn't
7 it, if you know?

8 A. I don't know, probably.

9 Q. She did get P.A.S.S, didn't she?

10 A. (Witness moved head up and down.)

11 Q. Out of school suspension, do you know if she ever
12 got that?

13 A. I don't know.

14 Q. Let's just skip the last two, I know she didn't
15 get those.

16 A. I know she didn't get expulsion.

17 Q. You were -- on the day that you were hurt by
18 C [REDACTED] B [REDACTED] and B [REDACTED] C [REDACTED], you were supposed to be in
19 P.A.S.S.?

20 A. Yes.

21 Q. Was that the first time you were ever in P.A.S.S.
22 or ever supposed to go to P.A.S.S.?

23 A. I can't remember.

24 Q. Do you remember what kinds of things you had to go
25 to P.A.S.S. for when you did go?

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1 A. I don't know. The one time was because probably
2 skipping class, badmouthing or something.

3 Q. Okay.

4 A. But maybe I just skipped class.

5 Q. Did you ever get in a fight with any kids?

6 A. Not just -- they would try to pick a fight with me
7 but I would avoid the conflict.

8 Q. Did you ever get into a physical fight with a kid?

9 A. Once.

10 Q. Who was that?

11 A. That boy.

12 Q. The same boy, the slow boy you talked about?

13 A. Yeah. For no reason he came up to me and started
14 charging me. I turned around, left, he kept on following me
15 and charging me. I turned around and gave him a good whack
16 in the face.

17 Q. That's the only time, though, right?

18 A. Yes. He didn't mess with me anymore. That was --
19 when someone hits you first, and more than once, it's called
20 self-defense.

21 Q. You said C [REDACTED] -- or B [REDACTED] C [REDACTED] was down at
22 the office a lot of times, right?

23 A. Yeah.

24 Q. She was getting after school detention and
25 Saturday detention and P.A.S.S, all those kinds of things?

A000000231

1 A. Yes.

2 Q. How about C [REDACTED] B [REDACTED], same thing or not as
3 much?

4 A. C [REDACTED] B [REDACTED] was a little bit better than B [REDACTED]
5 but B [REDACTED] was in the principal's office every day. She was
6 in there maybe, I don't know, three or four times a week.
7 Once or twice out of the whole week he was in there.

8 Q. At any time prior to the day you were hurt by
9 C [REDACTED] or B [REDACTED] did you have a boyfriend at school?

10 A. No.

11 Q. Did you have a boyfriend at any time during the
12 seventh grade at all?

13 A. Unh-unh.

14 Q. No. Did you ever do anything with B [REDACTED] C [REDACTED]
15 or C [REDACTED] B [REDACTED] or A [REDACTED] after school?

16 A. No.

17 Q. Ever?

18 A. I mainly -- after school my mom would pick me up,
19 and then if I didn't want to go home I would ask her if I
20 could go to my friend's house.

21 Q. Was that the young lady you talked about earlier,
22 C [REDACTED] was it?

23 A. C [REDACTED] Sometimes I'd go to her house.

24 Q. Sometimes R [REDACTED] house?

25 A. Yeah. We'd go in her room and put on makeup and

A000000232

1 listen to music.

2 Q. C [REDACTED] and R [REDACTED] were your friends?

3 A. Yeah.

4 Q. No boyfriends though?

5 A. No.

6 Q. At no time did you do anything after school with
7 anybody but C [REDACTED] or R [REDACTED]

8 A. That would be correct.

9 Q. Let's go back to the day you were hurt, okay?

10 A. All right.

11 Q. You saw the kids coming out of the school. You
12 said you went back in the laundromat and hid in the
13 restroom?

14 A. In the restroom.

15 Q. Was there one restroom there or more than one
16 restroom?

17 A. Just one.

18 Q. Just one for boys and girls?

19 A. Yeah, and it was pretty small.

20 Q. So by hiding does that mean you went in there and
21 locked the door?

22 A. Yeah, I locked the door. I thought they would be
23 gone by now. And then I was getting ready to go out the
24 front door and B [REDACTED] -- there's a front door and a back
25 door -- B [REDACTED] charged in from the back door and then the

A000000233

1 next thing she hit me.

2 Q. Where did she hit you?

3 A. Right here (indicating).

4 Q. You're pointing to the right side of your head
5 above your ear.

6 A. Just a little bit hit the --

7 Q. Hit the top of your ear?

8 A. Top of my ear.

9 Q. Did she hit you with an open hand, fist or an
10 object?

11 A. It was with her visor.

12 Q. Thank you, I forgot about that. So she sort of
13 whacked you in the side of the head with her visor?

14 A. Um-hmm.

15 Q. Did she say anything to you before she did that?

16 A. Unh-unh (Witness moved head side to side.)

17 Q. No?

18 A. No.

19 Q. What happened next?

20 A. Then I hit her back.

21 Q. Where did you hit her and how did you hit her?

22 A. I hit her with my fist right in the shoulder, it
23 hurt my hand.

24 Q. And what did she do?

25 A. She pulled me behind -- pulled me on the ground

A000000234

1 then.

2 Q. Were you still inside the laundromat?

3 A. Exiting the laundromat.

4 Q. Outside of it, exiting it. Front door?

5 A. Back door.

6 Q. Back door.

7 A. I wasn't all the way to the front door, I was
8 probably not even halfway.

9 Q. So do I understand you correctly that B [REDACTED]
10 grabbed you and pulled you out the back door?

11 A. Yeah. After I had hit her and so forth that's --

12 Q. Where was the laundromat lady?

13 A. The laundromat lady got off duty.

14 Q. She was gone?

15 A. She was gone at that time. She gets off at 6:30,
16 6:00, 6:30.

17 Q. So B [REDACTED] grabbed you and took you out the back
18 door?

19 A. Yeah. She pulled me out the back door.

20 Q. Did she have her arms around your waist or your
21 arms or your shoulders or what?

22 A. She had a hold of me on my hands, on my arm like
23 grasping me really tight and pulling me. I was trying to
24 get away from her but I couldn't, that's when the incident
25 happened when I was --

A000000235

1 Q. She took you outside, right?

2 A. (Witness moved head up and down.)

3 Q. Yes?

4 A. Yes.

5 Q. It was dark?

6 A. Yes.

7 Q. Are we now behind the laundromat?

8 A. Yes.

9 Q. As I understand it there's a parking lot behind
10 the laundromat?

11 A. Yeah, people park their cars to go in for the
12 laundry.

13 Q. Right. By the way, were there any customers in
14 the laundromat when you and Becky were scuffling in there?

15 A. No.

16 Q. When B [REDACTED] pulled you out that back door, was
17 anybody else out there in the parking lot besides you and
18 B [REDACTED]

19 A. Yeah, there was quite a few people.

20 Q. Does that mean more than five people?

21 A. I can't remember, but there was more than three or
22 four.

23 Q. Was there any lighting in the parking lot?

24 A. Just one light, and that was by the laundromat.

25 Q. By the door?

A000000236

1 A. Door.

2 Q. When you were pulled out there, did you recognize
3 anybody?

4 A. I recognized -- not A [REDACTED] but C [REDACTED] B [REDACTED]
5 right off the bat. That's when I was forced to do -- I
6 can't say it.

7 Q. I don't want to get into all the details there,
8 all right?

9 A. Are we almost done?

10 Q. No.

11 A. I really am tired of this.

12 Q. We are going to have to work our way through it.
13 You're doing fine. Are you ready?

14 A. Yeah.

15 Q. I was trying to tell you I do not want to ask you,
16 nor do I want you to tell me about the details.

17 A. I just want to get this over with.

18 Q. C [REDACTED] B [REDACTED] grabbed you?

19 A. Um-hmm.

20 Q. What did he do; did he take you off somewhere?

21 A. Yeah.

22 Q. Did he say anything to you?

23 A. No.

24 Q. Where did he take you to?

25 A. There is a house -- there was a house right on the

A000000237

1 other side there by the laundromat, and he pulled me over
2 there.

3 Q. Did he hurt you one time and one time only?

4 A. Not really, he kneed me.

5 Q. Kneed you?

6 A. Yes.

7 Q. He struck you with his knee?

8 A. Yes.

9 Q. Did he strike you with anything else?

10 A. Yeah, his fist.

11 Q. How long were you back there with him?

12 A. I don't know. I don't know ten, fifteen.

13 Q. After C [REDACTED] was done with you what happened?

14 A. Then I was getting ready to run, then my mom
15 happened to drive by and seen me in tears and she had taken
16 me home.

17 Q. Was anybody else there when she picked you up?

18 A. I think -- yeah, there was still the crowd of
19 people that were right outside in the back of the
20 laundromat. They were standing on the sidewalk, there's a
21 sidewalk then the parking lot.

22 Q. So you got in the car with her and went?

23 A. Yes. My mom took me home and was trying to calm
24 me down, but I wouldn't tell her what had happened to me.
25 Then my sister found out and told my mom.

A000000238

1 Q. Your sister found out?

2 A. Yeah.

3 Q. What is your sister's name?

4 A. K [REDACTED] G [REDACTED]

5 Q. When did your sister tell your mother?

6 A. I think it was a few days after that happened.

7 Then I had hurt myself and I got put in the hospital.

8 Q. Did you see R [REDACTED] that evening?

9 A. I saw her for a minute.

10 Q. Where was she when you saw her?

11 A. She was walking around.

12 Q. Behind the laundromat?

13 A. I don't know.

14 Q. So are you saying a couple days after your mom
15 picked you up that day K [REDACTED] G [REDACTED], your sister, told your
16 mom about it?

17 A. Someone had said something to my sister, and then
18 my sister came home and told my mom, and my mom started
19 crying, and then I burned myself on my wrist.

20 Q. Did you burn yourself on the wrist and then go
21 into Millcreek Community Hospital?

22 A. Yeah.

23 Q. Was that after Christmas or before Christmas?

24 A. I can't remember the exact date, but it was cold.

25 Q. You remember Christmas vacation was a week or so,

A000000239

1 right? Were you off school for a while, about ten days?

2 You don't remember if it was after Christmas vacation?

3 A. It wasn't -- I have a question, what are we
4 talking about now?

5 Q. We're talking about when you hurt yourself and had
6 to go to the hospital.

7 A. It happened right after -- I can't remember,
8 but -- I can't remember. I am trying, but I can't.

9 Q. You can't remember if it was after Christmas
10 vacation.

11 A. I can't remember.

12 Q. After the day you were hurt by C [REDACTED] and hit by
13 B [REDACTED] did any kids bother you in school in any way?

14 A. Yeah, everyone would call me names.

15 Q. Did C [REDACTED] B [REDACTED] call you names?

16 A. No, after that he -- I can't talk anymore.

17 MRS. L [REDACTED]: You're doing good, keep it up. Go
18 ahead.

19 THE WITNESS: I want to go home.

20 MR. MARNEN: We can continue this another time.

21 That's fine.

22 MR. OLDS: So you're done for the day, K [REDACTED].

23 (Examination concluded at 11:30 a.m.)

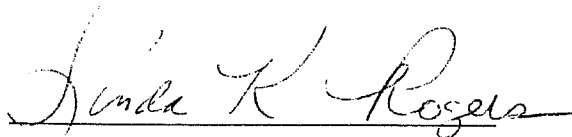
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C E R T I F I C A T I O N

I, Linda K. Rogers, Shorthand Reporter and
Commissioner of Deeds in and for the Commonwealth of
Pennsylvania, do hereby certify that I recorded
stenographically the proceedings herein at the time and
place noted in the heading hereof, and that the foregoing is
an accurate and complete transcript of same to the best of
my knowledge and belief.



Linda K. Rogers

Linda K. Rogers
Commonwealth Of Pennsylvania
Commissioner Of Deeds
My Commission Expires 4/1/06

Dated: March 29, 2005

* * *

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* * *

Richard P. vs School District
Held: 4/29/05

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K. L. [REDACTED]

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 RICHARD P., BY AND FOR
4 [REDACTED] P., AND DENISE L., BY
AND FOR K. [REDACTED] L.,
Plaintiffs
5 vs
6 SCHOOL DISTRICT OF THE
CITY OF ERIE, PENNSYLVANIA;
7 JANET WOODS, INDIVIDUALLY
and in her Capacity as Principal
8 of Strong Vincent High School;
and LINDA L. CAPPABIANCA,
9 Individually and in her Capacity
as Assistant Principal of Strong
10 Vincent High School,
Defendants
11
12
13
14 Deposition of K. [REDACTED] L. [REDACTED] taken before and
15 by Linda K. Rogers, Commissioner of Deeds in the
16 Commonwealth of Pennsylvania and Notary Public in
17 the State of New York, on Friday, April 29, 2005,
18 commencing at 10:30 a.m, at the law offices of
19 Knox, McLaughlin, Gornall & Sennett, 120 West 10th
20 Street, Erie, Pennsylvania.
21
22
23
24
25 * * *

Civil Action No. 03-390
Erie

Page 1

1 KRISTINA LONG, first having
2 been duly sworn, testified as follows:
3
4 DIRECT EXAMINATION
5 BY MR. MARNEN:
6
7 Q. Kristina, we are just continuing what we did last
8 time. I will try and make this brief. Do you know T. [REDACTED]
9 N. [REDACTED]?
10 A. T. [REDACTED], yes.
11 Q. How do you know T. [REDACTED]
12 A. She used to go to our school.
13 Q. Strong Vincent?
14 A. Yes, Strong Vincent.
15 Q. Is that how you knew her?
16 A. Yeah, plus we used to hang out.
17 Q. Did you? When you were going to Strong Vincent
18 you mean?
19 A. Yes, I also knew her sister too.
20 Q. Who is her sister?
21 A. A. [REDACTED]
22 Q. A. [REDACTED] I forgot, you live on [REDACTED],
23 don't you?
24 A. [REDACTED]
25 Q. Did you live on [REDACTED] when you were

Page 3

1 For the Plaintiffs:
Edward Olds, Esquire
2 Carolyn Russ, Esquire
3 1007 Mount Royal Boulevard
Pittsburgh, PA 15223
4
5 For the Defendants:
James T. Marnen, Esquire
6 Knox McLaughlin Gornall & Sennett, PC
7 120 West 10th Street
Erie, PA 16501
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* * *

Page 2

1 going to Strong Vincent?
2 A. Yes.
3 Q. Where did T. [REDACTED] N. [REDACTED] live?
4 A. I can't remember.
5 Q. Did she live near you, I mean walking distance?
6 A. Unh-unh.
7 Q. When you used to hang out, where did you hang out?
8 MR. OLDS: You mean with T. [REDACTED]
9 MR. MARNEN: Yes, right.
10 A. We used to go to stores and stuff.
11 Q. Is that before and after school?
12 A. I used to call her and we would meet up somewhere
13 and just go to stores.
14 Q. When was the last time you saw T. [REDACTED]
15 A. Last time I saw T. [REDACTED], I saw her I was at Andromeda
16 House.
17 Q. You were both living there?
18 A. Unh-unh.
19 Q. No?
20 A. She was there with her mother because her sister
21 was in there with me.
22 Q. I see. Did you, when you were going to Strong
23 Vincent, did you and T. [REDACTED] and R. [REDACTED] hang out together?
24 A. Me and R. [REDACTED] -- I don't know, did we? I can't
25 ask.

Page 4

1 Q. You can ask her, right. Whatever you remember, if
2 you don't remember, that's fine too.
3 A. I used to spend nights at R[REDACTED]'s house.
4 Q. Pardon?
5 A. I used to spend nights at R[REDACTED]'s house.
6 Q. Did you ever spend any nights at T[REDACTED]'s house?
7 A. I don't think so.
8 Q. The last time we met we talked about B[REDACTED]
9 C[REDACTED] calling you names, remember that?
10 A. (Witness moved head up and down.)
11 Q. Yes?
12 A. Yes.
13 Q. Remember you have to use words.
14 A. Sorry.
15 Q. That's all right. And you also talked about
16 C[REDACTED] B[REDACTED] poking you.
17 A. Um-hmm.
18 Q. With a pencil, I think or a pen, right?
19 A. Pencil.
20 Q. Did C[REDACTED] do that poking stuff after -- I forget
21 how we talked about that. Let me work on this for a second.
22 The incident near the laundromat, you know the thing we
23 talked about?
24 A. Um-hmm.
25 Q. When C[REDACTED] B[REDACTED] made you -- made you do things

Page 5

1 to him, that incident. Before that happened, K[REDACTED] you
2 testified before that C[REDACTED] B[REDACTED] poked you with a pencil
3 in class, and he did that a lot, right?
4 A. (Witness moved head up and down.)
5 Q. Yes?
6 A. Yes.
7 Q. And before that incident when C[REDACTED] B[REDACTED] made
8 you do things to him, B[REDACTED] C[REDACTED] also called you names?
9 A. Yes.
10 Q. After that incident when C[REDACTED] B[REDACTED] made you do
11 things to him, in school did B[REDACTED] still call you names, was
12 she still calling you names?
13 A. Everyone was calling me.
14 Q. Everyone was?
15 A. Because it got around the school what had happened
16 to me.
17 Q. I see.
18 A. It wasn't just her.
19 Q. Everyone in the whole school or everyone in your
20 class or --
21 A. People that they knew. Like the more popular
22 kids.
23 Q. The more popular kids in middle school?
24 A. Yeah, when I was at Strong Vincent.
25 Q. Right. What kind of things were they saying?

Page 6

1 A. You nasty bitch, all that.
2 Q. Did anyone try to get you -- after that night, did
3 anyone try to get you to do that for them?
4 A. (Witness moved head side to side.)
5 Q. Did any of the boys, for example, say --
6 A. They had said something to my sister.
7 Q. What did they say?
8 A. They said, oh, your sister can come over here any
9 day and do that to me.
10 Q. And that's K[REDACTED]
11 A. Yes.
12 Q. K[REDACTED] told you?
13 A. K[REDACTED] told my mother.
14 Q. Told your mother.
15 A. That's how she knew something was wrong.
16 Q. Okay. Do you know when K[REDACTED] told your mother
17 that, was it around Thanksgiving, around Christmas, around
18 New Year's; do you remember?
19 A. I can't remember.
20 Q. Do you remember going to the hospital, Millcreek
21 Community Hospital --
22 A. Um-hmm.
23 Q. -- in January of 2002? I don't know if you
24 remember the date. I'm sorry, I asked too long of a
25 question. Was there a certain point in time that you went

Page 7

1 to Millcreek Community Hospital?
2 A. Yes.
3 Q. Had you been there more than one time staying
4 overnight?
5 MR. OLDS: Can I interrupt just for a second?
6 (Brief pause.)
7 Q. Kristina, I know about your being at Millcreek
8 Community Hospital on more than one occasion, right?
9 A. Um-hmm.
10 Q. As I understand it you were in Millcreek Community
11 Hospital in January of 2002, that's in the seventh grade; do
12 you remember that?
13 A. I remember going to the hospital, yeah.
14 Q. You've stayed overnight there, haven't you?
15 A. Um-hmm.
16 Q. How many times have you done that, stayed
17 overnight at the hospital?
18 A. You mean like been there then they kept me more
19 than one day?
20 Q. Yes.
21 A. However many times I was there, I don't really
22 remember.
23 Q. You don't remember, okay.
24 A. They kept me more than one day every time I was
25 there.

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Richard P. vs School District
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K. L. [REDACTED]

1 Q. Were you ever at Millcreek Hospital before
2 Christmas of seventh grade when you stayed overnight?
3 MR. OLDS: In other words, before you hurt
4 yourself.
5 Q. Maybe I ought to do it that way.
6 A. I can't remember.
7 Q. Do you remember going to Millcreek Hospital
8 because you hurt yourself?
9 A. Yeah, on my wrist.
10 Q. You burned yourself, I think.
11 A. Um-hmm.
12 Q. Tell me about that. How did you hurt yourself?
13 A. I burnt myself. I was cooking and then that's
14 when my sister broke the news. And I was really mad, and I
15 took my wrist and I was putting it on this really hot pan
16 and I burnt my wrist.
17 Q. Were you at home when this happened?
18 A. Yes.
19 Q. Your mom was there?
20 A. My mom was in the living room.
21 Q. Mom was in the living room and your sister, the
22 one you're talking about is K [REDACTED]
23 A. Yeah.
24 Q. K [REDACTED] broke the news. What do you mean she broke
25 the news?

Page 9

1 A. She told my mom what the people had said to her.
2 Q. What did she say -- let me start again. Did you
3 hear what K [REDACTED] said to your mom?
4 A. Yes.
5 Q. What did she say?
6 A. She said these kids at school said that K [REDACTED]
7 did something to someone else. I don't want to say what it
8 is -- but they can do it to them anytime.
9 Q. Okay. Did your mom ask you what K [REDACTED] was talking
10 about?
11 A. Asked me?
12 Q. Yes.
13 A. She knew because my sister told her.
14 Q. Okay. Did your sister tell your mom that you had
15 been raped or anything like that?
16 A. No.
17 Q. Did your sister tell your mom that you did it
18 because you wanted to do it?
19 A. Unh-unh.
20 Q. No? She just said other kids were asking you
21 about it, is that it?
22 A. Other kids were telling her.
23 Q. Did your mom say anything to you about what your
24 sister told her?
25 A. She asked me, did anything happen to you. I'm

Page 10

1 like, no, I kept on denying it. And then that's when I
2 burnt my wrist.
3 Q. Did you burn your wrist because your mom was
4 asking you about it?
5 A. No.
6 Q. Why did you burn your wrist?
7 A. Because I was depressed, I kept on thinking of
8 what happened to me.
9 Q. You were taken to the hospital that night?
10 A. Yes, by the cops.
11 Q. What time?
12 A. I don't know.
13 Q. I thought you said a time.
14 MR. OLDS: She said by the cops.
15 Q. By the cops, okay.
16 MR. MARNEN: Off the record.
17 (Discussion held off the record.)
18 Q. Before that night when you burned yourself, what
19 kind of things were kids saying to you in school?
20 A. I think we already covered that where I said they
21 were calling me nasty bitch and stuff.
22 Q. I guess we did cover that. Were they saying
23 anything else besides that?
24 A. They were called me a hoe and all that but --
25 Q. Was anybody -- kids besides B [REDACTED] C [REDACTED] were

Page 11

1 doing this?
2 A. Yeah.
3 Q. Boys and girls?
4 A. Yeah.
5 Q. Were they saying things like that about R [REDACTED]
6 P [REDACTED]
7 A. I don't know.
8 Q. Did C [REDACTED] B [REDACTED] say anything like that to you?
9 A. (Witness moved head up and down.)
10 Q. Yes?
11 A. Yes.
12 Q. That's after it happened?
13 A. After.
14 Q. After it happened, before you went to the
15 hospital?
16 A. (Witness moved head up and down.)
17 Q. Yes?
18 A. Yes.
19 Q. Did you talk to any of your teachers about these
20 kids saying these things about you?
21 A. I would tell them that the kids keep bothering me.
22 Then I asked to go down to see Miss Cappabianca.
23 Q. What teachers did you tell that to?
24 A. I told Mrs. Scully, and Mrs. Manus.
25 Q. And when you told -- did you tell Mrs. Scully that

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K. L.

1 more than one time?
2 A. Yes, that he was bothering me.
3 Q. That who was bothering you?
4 A. C [REDACTED] B [REDACTED]
5 Q. I was talking about the kids saying those bad
6 things about you.
7 A. The kids?
8 Q. Yes.
9 A. The other kids are in there.
10 Q. Do I understand this correctly, you told
11 Mrs. Scully that other kids were saying these bad things
12 about you?
13 A. Yes.
14 Q. Did you tell Mrs. Scully that more than one time
15 or only one time?
16 A. A few times.
17 Q. What did Miss Scully say when you told her that?
18 A. She said do you want to go see Miss Capp.
19 Q. What did you say?
20 A. And I went to see Miss Capp.
21 Q. What did Miss Manus say when you told her these
22 things?
23 A. Really she didn't -- she's like, I'll have a talk
24 with them after class.
25 Q. Did you see Miss Cappabianca about this, about

Page 13

1 A. Yes.
2 Q. Can we call it that?
3 A. Yeah.
4 Q. So I don't have to go through a big description
5 every time. After the assault -- I forgot what I was
6 asking.
7 MR. MARNEN: Did she miss any school.
8 Q. That might be. Did you miss any school after the
9 assault? If you don't remember, that's fine.
10 A. I can't remember.
11 Q. Did you think that Miss Cappabianca was not doing
12 enough about solving that problem about dealing with these
13 kids who were bothering you?
14 A. I don't believe she had did enough at all.
15 Q. Did you think that back then?
16 A. Actually I thought that back then also 'cuz she
17 wasn't doing anything about it.
18 Q. Did you ever see Miss Woods about it, about the
19 kids bothering you?
20 A. I can't remember who is Miss Woods.
21 Q. Miss Woods was the principal.
22 A. I can't remember. I can't remember Miss Woods.
23 Q. When I say -- when I use the word oral sex, do you
24 know what that means?
25 A. Yes.

Page 15

1 kids saying these things to you?
2 A. Once or twice.
3 Q. I'm talking about after C [REDACTED] B [REDACTED] did what he
4 did to you and before you went in the hospital, right?
5 A. Yes.
6 Q. When you talked to Miss Cappabianca what did you
7 tell her?
8 A. I had told her what they were calling me.
9 Q. What did she say to you?
10 A. She was like, you give me the names and I will
11 have them come down, but I didn't know their names.
12 Q. Was that it, was there any additional effort to
13 figure out who they were?
14 A. I described what some of them were wearing, but I
15 couldn't remember.
16 Q. Did they keep calling you names the entire time up
17 until the day you went to the hospital?
18 A. Yes.
19 Q. Did you miss school on the day you went to the
20 hospital?
21 A. I can't remember.
22 Q. Did you miss any school after C [REDACTED] B [REDACTED]
23 MR. MARNEN: How do we refer to this, the B [REDACTED]
24 incident, the assault?
25 Q. When I say assault, do you know what I mean?

Page 14

1 Q. Did C [REDACTED] B [REDACTED] ever threaten to take you into a
2 bathroom at Strong Vincent and make you perform oral sex on
3 him?
4 A. Yes.
5 Q. When was that?
6 A. This was before, but I can't remember the date or
7 anything.
8 Q. Before he assaulted you?
9 A. (Witness moved head up and down.)
10 Q. Did he do that on one occasion -- did he do that
11 one time or more than one time?
12 A. What? You have to be more specific.
13 Q. Make the threat is what I meant.
14 A. He just did that one time.
15 Q. That was before the assault?
16 A. Yes.
17 Q. Where were you and he when he made that threat?
18 A. I believe I was in the hallway.
19 Q. Was anybody else around nearby?
20 A. There's kids all around.
21 Q. Was it between classes?
22 A. Yes.
23 Q. Did something happen before -- what happened
24 before that? He'd just say out of the blue, I am going to
25 take you in the bathroom and make you perform oral sex? Why

Page 16

Richard P. vs School District
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K. Long

1 did he say that, could you tell?
2 A. I don't know.
3 Q. What did you say to him, if anything, when he said
4 that to you?
5 A. I am like you better stop talking to me like that
6 'cuz you know you're going to get in trouble.
7 Q. Did you talk to any of the teachers or principals
8 at Strong Vincent about that incident?
9 A. I talked to -- I can't remember who it was, but it
10 was -- I was going to my next period class, but I can't
11 remember which teacher it was.
12 Q. You told a teacher?
13 A. (Witness moved head up and down.)
14 Q. Was it a man or a woman?
15 A. I can't remember.
16 Q. What did the teacher say?
17 A. Um, she just told me to have a seat.
18 Q. Did you ever tell Miss Cappabianca about that
19 threat by C [REDACTED] B [REDACTED]
20 A. Unh-unh.
21 Q. No?
22 A. I don't think so.
23 Q. Did you tell Miss Scully about that threat?
24 A. To be honest, I can't remember who --
25 Q. Did you ever tell your mother about that threat by

Page 17

1 C [REDACTED] B [REDACTED]
2 A. Once.
3 Q. When did you tell your mother?
4 A. When my sister told -- that was after the assault
5 when I told my mom.
6 Q. After you burned yourself?
7 A. Yes.
8 Q. Did you tell your mother about that while you were
9 in the hospital?
10 A. Yes.
11 Q. Why did you wait until then; why didn't you tell
12 her before?
13 A. Because I didn't want to be near anything because
14 it would just upset me more. If there was things around me
15 that could harm me, I probably would have took the things
16 and really hurt myself.
17 Q. C [REDACTED] B [REDACTED] made this threat to you before he
18 assaulted you, correct?
19 A. Yes.
20 Q. Why didn't you tell your mother back then about
21 it?
22 A. I don't know.
23 Q. When I use the words mediation, do you know what
24 that means?
25 A. Like in peer mediation?

Page 18

1 Q. Yeah, peer mediation. Do you know about that?
2 A. Yes.
3 Q. What does that mean, K [REDACTED]
4 A. Peer mediation is where they have a student or --
5 yeah, student come in to this room and it's you and this kid
6 that you are having a problem with.
7 Q. Right.
8 A. And they help you solve the situation and help you
9 make it better.
10 Q. So if you have a problem with another kid, another
11 student besides the two of you tries to help you work this
12 out?
13 A. Yeah, there's a mediator.
14 Q. Is the mediator a student?
15 A. Yes.
16 Q. Did you ever get involved in any peer mediation
17 with C [REDACTED] B [REDACTED]
18 A. Once, and with B [REDACTED] C [REDACTED]
19 Q. With B [REDACTED] too?
20 A. B [REDACTED] C [REDACTED] was, I think she was the mediator.
21 Q. Are you saying B [REDACTED] was the mediator and the
22 problem was between you and B [REDACTED]?
23 A. (Witness moved head up and down.)
24 Q. Yes?
25 A. Yes.

Page 19

1 Q. When did that happen, K [REDACTED]
2 A. I don't remember.
3 Q. Seventh grade?
4 A. Yes, seventh grade.
5 Q. Did it happen before or after the time that
6 C [REDACTED] B [REDACTED] assaulted you?
7 A. When I had the peer mediation was before.
8 Q. What were you mediating, what was the dispute
9 between you and C [REDACTED] B [REDACTED]
10 A. I really can't remember.
11 Q. Did that only happen one time or more than one
12 time?
13 A. What, the mediation --
14 Q. Yes.
15 A. -- with me and him?
16 Q. Yes.
17 A. That only happened once.
18 Q. The assault by C [REDACTED] B [REDACTED] happened in the
19 afternoon or in the evening; isn't that right?
20 A. Evening.
21 Q. It was dark out?
22 A. (Witness moved head up and down.)
23 Q. Yes?
24 A. Yes.
25 Q. Did you go to school the next day?

Page 20

1 A. I can't remember.
2 Q. Do you remember if you ever told Miss Cappabianca
3 about the assault?
4 A. Yes.
5 Q. Did you tell her?
6 A. Yeah. She told me that's what people do when they
7 are in love.
8 Q. When you told her about the assault, tell me as
9 best you can remember what you told her?
10 A. I told her C [REDACTED] B [REDACTED] had made me do some
11 really bad things to him.
12 Q. Did you describe the bad things?
13 A. Yes.
14 Q. And --
15 A. That's when she had said that's what people do
16 when they are in love.
17 Q. Did you ask her to do something about it, about
18 the assault?
19 A. I asked her if she can change my classes, but I
20 don't know what she did. I don't know if she changed them
21 or kept them the same.
22 Q. The first time your mother found out about the
23 assault was the night you went to the hospital, right?
24 A. Yeah.
25 Q. After you burned yourself?

Page 21

1 A. Yeah.
2 Q. Why didn't you tell her before that about the
3 assault?
4 A. Before I burned myself?
5 Q. Yes.
6 A. Like I said, I don't know.
7 Q. Did Ms. Cappabianca ever tell you to suck it up
8 and ignore people that were bothering you?
9 A. Yeah, she told me to just suck it up and don't let
10 them bother me because I won't be able to concentrate. She
11 said you won't be able to concentrate if you don't.
12 Q. Was that before C [REDACTED] B [REDACTED] assaulted you or
13 after that?
14 A. I can't remember when she said that, but she told
15 me to just suck it up.
16 Q. Did she say it one time or more than one time?
17 A. I don't know.
18 MR. MARNEN: I have no other questions. Thank
19 you.
20 MR. OLDS: I just have a couple questions.
21
22 CROSS-EXAMINATION
23 BY MR. OLDS:
24
25 Q. Do you remember after the incident, after the

Page 22

1 assault, how many times you talked to Miss Capp?
2 A. I can't remember exactly how many times.
3 Q. Tell me which times you do remember.
4 A. I just remember talking to her mostly in
5 Miss Scully's class 'cuz that's where I would be bothered
6 the most.
7 Q. By the other students?
8 A. Yes, and by C [REDACTED] B [REDACTED]
9 Q. Then you had the one conversation where she had
10 said that's what adults do or grownups do, remember that
11 conversation?
12 A. Yes.
13 Q. Do you remember what time of day that was?
14 A. No, I don't.
15 Q. And were there -- did you talk to her more than
16 one time about the incident?
17 A. I can't remember.
18 Q. Okay.
19 MR. OLDS: I do not have any other questions.
20 MR. MARNEN: I do not have anymore. Is she going
21 to review?
22 MR. OLDS: We'll review.
23 (Examination concluded at 11:05 a.m.)
24 * * *
25

Page 23

1 CERTIFICATION
2
3
4 I, Linda K. Rogers, Shorthand Reporter and
5 Commissioner of Deeds in and for the Commonwealth of
6 Pennsylvania, do hereby certify that I recorded
7 stenographically the proceedings herein at the time and
8 place noted in the heading hereof, and that the foregoing is
9 an accurate and complete transcript of same to the best of
10 my knowledge and belief.
11
12
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21
22 Dated: May 16, 2005
23
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Richard P. vs School District
Held: 4/29/05

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K. L. [REDACTED]

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Richard P. v. School District

A000000249
Charlise Moore

March 18, 2005

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for :
Rachel P., and DENISE L., :
by and for K [REDACTED] L., :
Plaintiffs :

v.

Civil Action No. 03-390
Erie

SCHOOL DISTRICT OF THE CITY :
OF ERIE, PENNSYLVANIA; JANET :
WOODS, Individually and in :
her Capacity as Principal of :
Strong Vincent High School; :
and LINDA L. CAPPABIANCA, :
Individually and in her :
Capacity as Assistant :
Principal of Strong Vincent :
High School, :
Defendants :

Deposition of CHARLISE MOORE, taken before
and by Janis L. Ferguson, Notary Public in and
for the Commonwealth of Pennsylvania, on Friday,
March 18, 2005, commencing at 2:37 p.m., at the
offices of Knox McLaughlin Gornall & Sennett, PC,
120 West 10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

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<p style="text-align: right;">Page 2</p> <p>1 For the Plaintiffs:</p> <p>2 Edward Olds, Esquire</p> <p>3 Carolyn Spicer Russ, Esquire</p> <p>4 1007 Mount Royal Boulevard</p> <p>5 Pittsburgh, PA 15223</p> <p>6 For the Defendants:</p> <p>7 James T. Marnen, Esquire</p> <p>8 Knox McLaughlin Gornall & Sennett, PC</p> <p>9 120 West 10th Street</p> <p>10 Erie, PA 16501</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 CHARLISE MOORE, first having</p> <p>2 been duly sworn, testified as follows:</p> <p>3</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. OLDS:</p> <p>6</p> <p>7 Q. Good afternoon, Miss Moore.</p> <p>8 A. Good afternoon.</p> <p>9 Q. For the record, why don't you state your full name</p> <p>10 and address.</p> <p>11 A. Charlise Moore. Is that my --</p> <p>12 Q. Business address is fine.</p> <p>13 A. Business address, okay. 148 West 21st Street,</p> <p>14 Erie, PA 16502. I'm with the Erie City School District.</p> <p>15 Q. And how long have you worked for the School</p> <p>16 District?</p> <p>17 A. This is my 31st year.</p> <p>18 Q. 31st year. You're right. I would never guess.</p> <p>19 (Discussion held off the record.)</p> <p>20 Q. And your current -- what is your current job?</p> <p>21 A. Supervisor of special education.</p> <p>22 Q. Which you've had for how many years?</p> <p>23 A. It's been, I think, 16 years as an administrator.</p> <p>24 Q. And what does that job consist of?</p> <p>25 A. The job consists of dealing with student</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF CHARLISE MOORE</p> <p>4 Direct examination by Mr. Olds 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 EXHIBITS:</p> <p>10 Moore Deposition Exhibit 1 - Page 10</p> <p>11 Moore Deposition Exhibit 2 - Page 10</p> <p>12 Moore Deposition Exhibit 3 - Page 37</p> <p>13 Moore Deposition Exhibit 4 - Page 37</p> <p>14 Moore Deposition Exhibit 5 - Page 37</p> <p>15 Moore Deposition Exhibit 6 - Page 37</p> <p>16 Moore Deposition Exhibit 7 - Page 37</p> <p>17 Moore Deposition Exhibit 8 - Page 37</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 placements, being a part of multi-disciplinary teams,</p> <p>2 supervising the programming for students in various areas,</p> <p>3 that might include students who are in a life skills support</p> <p>4 program, middle school learning support program. I do</p> <p>5 extended school year. They include private school programs,</p> <p>6 home tutoring program, and -- I think that covers it all.</p> <p>7 Q. Are you the only supervisor of special ed., or do</p> <p>8 you have peers?</p> <p>9 A. I have peers.</p> <p>10 Q. How many other supervisors of special ed. are</p> <p>11 there?</p> <p>12 A. There are two other supervisors of special</p> <p>13 education.</p> <p>14 Q. In 2001/2002, who were they?</p> <p>15 A. The supervisors of special education were Marlene</p> <p>16 Chrisman, Ray Sullivan, and myself.</p> <p>17 Q. Who do you report to?</p> <p>18 A. We reported to the coordinator of special</p> <p>19 education, who was James Piekanski.</p> <p>20 Q. And James Piekanski, does he still work for the</p> <p>21 School District?</p> <p>22 A. Yes, he does.</p> <p>23 Q. And how is your -- there were three supervisors</p> <p>24 for special ed. How are your responsibilities broken down?</p> <p>25 I mean, are you given different grades or different</p>

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<p style="text-align: right;">Page 6</p> <p>1 geographical areas or just different programs?</p> <p>2 A. It varies. In some situations it is -- you may</p> <p>3 have one total program that you supervise. And in other</p> <p>4 different areas, it may be we take a program -- for example,</p> <p>5 a large program like a learning support program, and you</p> <p>6 break it into parts. For example, I was responsible for the</p> <p>7 middle school learning support program.</p> <p>8 Q. Explain to me what learning support programming</p> <p>9 is.</p> <p>10 A. Learning support program is providing specially</p> <p>11 designed instruction for students who are identified as</p> <p>12 having a learning disability or who are also identified as</p> <p>13 being mentally retarded.</p> <p>14 Q. What percentage of the middle -- if you can, what</p> <p>15 percentage of the middle school students in 2001/2002 were</p> <p>16 involved in that program, learning support?</p> <p>17 A. I wouldn't know the numbers, the exact total</p> <p>18 number of students percentagewise. I --</p> <p>19 Q. Do you think it would be more than 10 percent?</p> <p>20 A. It fluctuates every year, so I wouldn't be able to</p> <p>21 determine that.</p> <p>22 Q. Okay. That's fair. So one of your</p> <p>23 responsibilities was the learning support program for middle</p> <p>24 school students. In terms of fulfilling your duties</p> <p>25 relative to that responsibility, what kind of activities or</p>	<p style="text-align: right;">Page 8</p> <p>1 that may be contained in the Individualized Education</p> <p>2 Program would tell me about a child's behavior in school.</p> <p>3 Q. For instance, if a child had been in one of Erie's</p> <p>4 elementary schools and then come to the middle school, would</p> <p>5 you have access to disciplinary records in that context?</p> <p>6 A. Not building disciplinary records. Only</p> <p>7 information pertaining to behavior as it relates to his or</p> <p>8 her IEP.</p> <p>9 Q. And the records for the -- the academic records</p> <p>10 for learning support students, are they kept in the central</p> <p>11 administration, or are they kept in the schools themselves?</p> <p>12 A. Academic records are -- when students first enter,</p> <p>13 are in the administration building. And then the academic</p> <p>14 or the Individualized Educational Program is shared with the</p> <p>15 teacher of record, and it also goes to the building</p> <p>16 administrator, in which those papers are kept under lock and</p> <p>17 key, because they are confidential records.</p> <p>18 So you have a teacher of record -- or a teacher</p> <p>19 has a child's IEP in the classroom in a locked cabinet, and</p> <p>20 then there is a building copy that's locked. It's called a</p> <p>21 confidential record that includes the evaluation report.</p> <p>22 And we have all records from all the years of schooling, or</p> <p>23 as many as we get -- receive from sending school districts</p> <p>24 in the main file in the administration folder.</p> <p>25 Q. Okay. And do you interact with -- do you</p>
<p style="text-align: right;">Page 7</p> <p>1 tasks did you have to do?</p> <p>2 A. Okay. With students enrolled in school, I would</p> <p>3 review the records on enrollment and make recommendations to</p> <p>4 the IEP team. Sometimes I would participate on those teams.</p> <p>5 In regard to the middle school, work with teachers</p> <p>6 in regard to strategies to use in the classroom with</p> <p>7 educating students, and at times dealing with students in</p> <p>8 regard to development of behavior management plans and</p> <p>9 working with the administration. Also with regard to any</p> <p>10 questions or concerns they had about special education</p> <p>11 paperwork that needed to be done in regard to any of the</p> <p>12 students.</p> <p>13 Q. You indicated that when students are enrolled, you</p> <p>14 reviewed the records on enrollment. Would that be academic</p> <p>15 records, or would that also include prior discipline</p> <p>16 records?</p> <p>17 A. Those are usually academic records from other</p> <p>18 school districts when students are entering, or reviewing</p> <p>19 the academic records. And when we say "academics", that</p> <p>20 could mean their evaluation reports, previous IEP's, and</p> <p>21 maybe some medical records.</p> <p>22 Q. Is there a way that the student discipline</p> <p>23 histories are tracked or followed?</p> <p>24 A. When students enter into our system, very rarely</p> <p>25 do I see any discipline information, other than information</p>	<p style="text-align: right;">Page 9</p> <p>1 principally interact with the special ed. teachers, or do</p> <p>2 you also interact regularly with administrators of the</p> <p>3 schools?</p> <p>4 A. I interact with both of them; teachers and</p> <p>5 administrators.</p> <p>6 Q. At the Strong Vincent Middle School in 2001/2002,</p> <p>7 how many special ed. teachers were there, or teachers who</p> <p>8 were -- dealt with learning support students in classrooms?</p> <p>9 A. At the time -- we changed staff. At the time, I</p> <p>10 believe there were three special ed. teachers for the middle</p> <p>11 school.</p> <p>12 Q. Would that be Miss Scully?</p> <p>13 A. Um-hum.</p> <p>14 Q. Miss Manus, Miss Gray?</p> <p>15 A. That's it. Those are the three.</p> <p>16 Q. I had seen another name.</p> <p>17 (Discussion held off the record.)</p> <p>18 Q. Vallimont. That was not a -- do you know a</p> <p>19 Mr. Vallimont?</p> <p>20 A. What's the first name of Mr. Vallimont?</p> <p>21 Q. Well, I'm going to look.</p> <p>22 (Discussion held off the record.)</p> <p>23 Q. Melissa Vallimont.</p> <p>24 A. No, I'm sorry. It's not a special ed. teacher</p> <p>25 that was there at that time, that I can recall.</p>

3 (Pages 6 to 9)

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<p style="text-align: right;">Page 10</p> <p>1 MR. MARNEN: My information, for whatever it's</p> <p>2 worth, is there were three.</p> <p>3 Q. I guess we have identified some documents that</p> <p>4 we're going to show you. And, actually, I suppose -- you</p> <p>5 have those right here.</p> <p>6 (Moore Deposition Exhibits 1 and 2 marked for</p> <p>7 identification.)</p> <p>8 Q. You have those right there. They're Moore 1 and</p> <p>9 2. These are copies of documents. I just want to show you</p> <p>10 Exhibit 2. Look at the third page of Exhibit 2.</p> <p>11 A. (Witness complies.)</p> <p>12 Q. There is a teacher that signed that. I guess</p> <p>13 maybe that's not the special ed. teacher, Miss Vallimont.</p> <p>14 A. Miss Vallimont is a classroom teacher, is a</p> <p>15 general education teacher.</p> <p>16 Q. Okay. So there were three special ed. teachers.</p> <p>17 And they would -- would they -- what subjects would they</p> <p>18 teach?</p> <p>19 A. The special -- the middle school special education</p> <p>20 program provided instruction in the five basic areas;</p> <p>21 reading, English, math, social studies, and science.</p> <p>22 Q. And depending upon the needs of the special ed.</p> <p>23 student, the special ed. student might not -- might take one</p> <p>24 or more of those subjects in a learning support class and</p> <p>25 then other subjects with the general population? Is that</p>	<p style="text-align: right;">Page 12</p> <p>1 would identify the problem, and based upon that evaluation</p> <p>2 report, the student would either be placed in -- a student</p> <p>3 could have an IEP that would either result in being placed</p> <p>4 in one of the special ed. classes -- that would be one</p> <p>5 option, right?</p> <p>6 A. That's correct.</p> <p>7 Q. A student could have an IEP that addressed</p> <p>8 academic needs that would be met in the regular classroom</p> <p>9 situation. Is that --</p> <p>10 A. The Individualized Education Program only has</p> <p>11 goals and objectives for those classes in which the special</p> <p>12 education department addresses.</p> <p>13 Q. Okay.</p> <p>14 A. For example, if a child is in a general ed. math</p> <p>15 class, there would not be any math goals on his or her IEP.</p> <p>16 Q. Okay. I see. And is there a -- and so if a child</p> <p>17 had any special -- if there were any special requirements</p> <p>18 that a child needed in any of the academic subjects, that</p> <p>19 would be addressed in the special ed. classroom.</p> <p>20 A. Would you repeat that, please.</p> <p>21 Q. Yes. If the child had any areas that had been</p> <p>22 identified as needing support academically, that would be</p> <p>23 provided in the special ed. classroom?</p> <p>24 A. If the child had an identified need, it would be</p> <p>25 addressed in the special ed. class. But let me qualify</p>
<p style="text-align: right;">Page 11</p> <p>1 right?</p> <p>2 A. That is correct.</p> <p>3 Q. What qualified a student to be in one of the</p> <p>4 classes taught by special ed. teachers? In other words,</p> <p>5 what would a -- what either academic needs would the student</p> <p>6 have or behavioral needs would a student have before they</p> <p>7 would be put in the classrooms taught by Miss Manus or</p> <p>8 Miss Gray or Miss Scully?</p> <p>9 A. First of all, behavior is not a reason to -- is</p> <p>10 not a placement. It's not -- how can I put this? It is not</p> <p>11 a handicapping condition or a disability that would place a</p> <p>12 child in a learning support classroom, as I mentioned</p> <p>13 before.</p> <p>14 Q. Okay.</p> <p>15 A. Behaviors can be addressed in an Individualized</p> <p>16 Education Program for a child. The --</p> <p>17 Q. But not necessarily by putting them in a special</p> <p>18 ed. class.</p> <p>19 A. The subject areas that I mentioned before, the</p> <p>20 reading, English, math, social studies, and science, were</p> <p>21 the support classes that we provided students. That was</p> <p>22 dependent on what their individual needs were that is</p> <p>23 determined by their evaluation reports that were done to</p> <p>24 identify them as students with special needs.</p> <p>25 Q. Okay. So there would be an evaluation report that</p>	<p style="text-align: right;">Page 13</p> <p>1 that.</p> <p>2 Q. Go ahead.</p> <p>3 A. The decisions that are made in regard to placing</p> <p>4 students and what the needs were depended on the IEP team.</p> <p>5 They make a determination as to the information from the</p> <p>6 evaluation report and the student's ongoing progress, what</p> <p>7 particular class they would recommend support in. That's an</p> <p>8 IEP team decision.</p> <p>9 Q. And behaviors -- a child who has a behavior</p> <p>10 problem, but not an academic problem, would not be placed in</p> <p>11 a special ed. class.</p> <p>12 A. Only students who are identified that have serious</p> <p>13 emotional disturbances would be students who would be placed</p> <p>14 in a special education class. There's a distinction.</p> <p>15 Q. Right. Okay. And I thank you for making that</p> <p>16 distinction. Do you -- there is an alternative school,</p> <p>17 Sarah Reed, and that's part of the Erie School District as</p> <p>18 well; is that right?</p> <p>19 A. We have classes that we -- that students attend</p> <p>20 there, but the Sarah Reed does not belong to the Erie City</p> <p>21 School District.</p> <p>22 Q. So tell me what your -- you say that the Erie</p> <p>23 School -- you have classes.</p> <p>24 A. Um-hum.</p> <p>25 Q. The Erie School District has classes there?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. There are classes that Erie School District 2 students attend at Sarah Reed Children's Center. 3 Q. Okay. And is Sarah Reed Children's Center, is 4 that a -- would that be a private center, or is that a -- 5 A. It's an independent agency. 6 Q. Do you know where it gets its funding? Is that -- 7 A. I'm sorry, I don't know that. 8 Q. Okay. That's fine. And are you involved in -- in 9 any aspect of the decision that might result in an Erie 10 student being sent to classes at Sarah Reed? 11 A. Decisions, placement decisions are made by IEP 12 teams. 13 Q. Now, is Sarah Reed Children's Center, is that -- 14 well, let me phrase it like this: What kind of students 15 from the Erie School District go to Sarah Reed? In other 16 words, what problems must a child have before they are 17 referred to the Sarah Reed Children's Center? 18 A. Sarah Reed services a variety of students and a 19 variety of children with different needs; whether it's 20 behavioral, emotional. They have many, many programs. 21 Q. Does Erie have an alternative school program? 22 A. We have several alternative school programs. 23 Q. And tell me which alternative school programs Erie 24 has. 25 A. We have an alternative education program for</p>	<p style="text-align: right;">Page 16</p> <p>1 Parents give us permission to release information to Sarah 2 Reed. They have a review committee, and they let us know 3 whether or not they feel that they can provide services for 4 that child. 5 Q. So from the Erie School District point of view, 6 who would be -- who would you expect or who would you 7 anticipate would be the professional or administrator that 8 would say, well, we have a student that maybe would benefit 9 from Sarah Reed, from the programs offered by Sarah Reed? 10 How would the topic come up? 11 A. It depends upon what the child's needs were at the 12 time. You know, what we saw in the individual. What 13 programs we think that would benefit the child. That would 14 be just in general discussion with maybe the parents and 15 administration as to what the needs were. 16 Q. Can you give me like an idea or example of what 17 kind of needs a child might exhibit when you would start 18 thinking about a referral to Sarah Reed. 19 A. Maybe a child that had a real chronic disruptive 20 behavior. They were -- in the sense that they had a very, 21 very difficult time behaviorally within the general school 22 environment. You know, within the classroom, outside the 23 classroom, the hallways, cafeteria, difficult time relating 24 to peers, and things like that. And not -- you know, 25 inappropriateness in that sense. And maybe that particular</p>
<p style="text-align: right;">Page 15</p> <p>1 students in about -- let's see -- sixth grade through 2 twelfth grade that we have -- we do jointly with Perseus 3 House. We also have an alternative program with Sarah Reed. 4 Q. Is there a difference between those two programs? 5 I know there's an obvious difference; one is at Perseus 6 House, and one is at Sarah Reed. But are they -- are they 7 different categories of alternative education provided at 8 the two schools? 9 A. The designs of the programs are a bit different. 10 Q. What is the design at Sarah Reed Children's 11 Center? 12 A. They have an array of services to choose from, 13 depending upon what a child qualifies for. Whether it's a 14 mental health service, whether it's just general counseling; 15 inpatient, outpatient. They have a wide range of services 16 that they can offer to students. 17 Q. And what about Perseus House? 18 A. Perseus House, our alternate program, works -- 19 students are on a point system, point system of behavior 20 management, and they had to have counseling sessions. 21 Q. And do you know whether the -- say, for instance, 22 Sarah Reed Children's Center. Will it accept all students 23 from the Erie School District that are referred to it, or is 24 there a waiting list? I mean, how does that work? 25 A. Well, first we release information to Sarah Reed.</p>	<p style="text-align: right;">Page 17</p> <p>1 child might be someone that they would consider a candidate 2 for their program. That's -- but they have many programs. 3 So that's just in one area of the behavioral program. 4 Q. Do you have any idea how many students attend 5 Sarah Reed? 6 A. No, I don't. Sorry. 7 Q. Do you know how many students at any given time 8 are -- from the Erie School District are referred to Sarah 9 Reed? 10 A. No. Only the ones that I -- that I deal with 11 directly in my responsible area. 12 Q. Are you still responsible for middle schools 13 today? 14 A. Yes. 15 Q. Do you think that every student who is an Erie 16 middle school student who ends up at Sarah Reed, would every 17 one of those students at some point go through you? In the 18 sense would you become aware of the fact that they were 19 being referred to Sarah Reed? 20 A. If they are a special education student, yes. 21 Q. Okay. And there might be some students who aren't 22 special education students who are also referred to Sarah 23 Reed. I take it from the answer that you gave me. 24 A. I'm only responsible for the special education 25 middle school students.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. This year, do you know how many special 2 education middle school students from the middle schools are 3 attending Sarah Reed? 4 A. That I'm responsible for at that age? I think we 5 only have four this year. 6 (Discussion held off the record.) 7 A. We have four students there right now. 8 Q. And would you -- would it be fair to say -- well, 9 would it typically be the case that it would be less than a 10 dozen that -- you know, in any given year that would be 11 referred to Sarah Reed? From your area. 12 A. Depends upon the year. 13 Q. Okay. So some years it might be more than that? 14 A. It might be more. 15 Q. Okay. Is there someone at Sarah Reed that you 16 communicate with? Like do you have particular contact 17 people at Sarah Reed that you know that you would discuss 18 whether a student should be sent to Sarah Reed? 19 A. They have an intake person you have to call. 20 Q. And is that who you deal with? 21 A. Um-hum. 22 Q. Which intake person, if you can recall, have you 23 dealt with? 24 A. Matt -- Matthew Bogardus. 25 MR. MARNEN: Bogart?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. That is correct. 2 Q. And your involvement might be more if there were 3 problems. Is that fair? 4 A. If there was a concern by maybe the parent or a 5 concern by the teacher, or if I was observing the classroom 6 and I noticed something about a student. 7 Q. Okay. Right. You might become involved, for 8 instance, if there was a disagreement about the 9 appropriateness of an educational placement or, you know, 10 disagreement about services being provided. That would more 11 fall within your jurisdiction. 12 A. That's correct. 13 Q. Okay. So, you know, you did become involved with 14 Kristina and Rachel. Tell me what your recollection is of 15 how you became involved. 16 A. I believe it was before the beginning of the 17 second semester. And I was made aware of an incident at 18 school and -- by the director of special education. That 19 was Mr. Scozzie. And then I was given a directive to do 20 some paperwork in regard to the needs of students. 21 Q. Okay. Now, who is Mr. Scozzie? 22 A. He is the Director of Special Education. 23 Q. And he told you to do some paperwork for the 24 students? 25 A. Um-hum. That's correct.</p>
<p style="text-align: right;">Page 19</p> <p>1 THE WITNESS: Bogardus. 2 MR. MARNEN: Bogardus. 3 Q. And when you're trying to send someone to Sarah 4 Reed, what information do you provide to Matthew Bogardus? 5 A. Well, first I have the parents sign a release of 6 information, and then we usually provide the parent with the 7 child's evaluation report and their Individualized Education 8 Program. And those are the two basic things that I provide. 9 Unless there is some additional information that is 10 necessary. If there's any medical information necessary. 11 Q. Now, we're here about -- you know, my clients are 12 Kristina Long and Rachel Polancy. And I think that you had 13 dealings with their case or some involvement with their case 14 back in 2002. Do you recall that? 15 A. Yes. 16 Q. So prior to January of 2002, they were in Strong 17 Vincent, in learning support classes. Do you know whether 18 you had any contact or supervision or review or dealings 19 with either of the girls or their families? 20 A. I don't recall anything specifically. 21 Q. Would it be fair to say that it would be possible 22 that a student would be assigned to a learning support class 23 at Strong Vincent, and you might not meet that student or 24 meet the family or become involved in any issues concerning 25 that student?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. So aside from talking to Mr. Scozzie, who did you 2 talk to about the two students? 3 A. Let's see. I believe it probably was as to 4 information that may be needed or what needed to be 5 addressed, would be with the assistant principal who usually 6 works with the students; whatever person worked with the -- 7 the administrator in the building that worked with the 8 students, I usually made contact with that individual. 9 Q. So in this case, it would have been 10 Mrs. Cappabianca? 11 A. Mrs. Cappabianca. Miss Cappabianca. 12 Q. Miss Cappabianca. And how long -- do you know 13 when she started -- Miss Cappabianca, do you know when she 14 started with the Erie School District? 15 A. I don't know. 16 Q. Do you remember when you first met her? 17 A. I don't recall. 18 Q. Was she -- was she a special ed. teacher, do you 19 know? 20 A. I'm trying to remember. It's been so many years. 21 I'm sorry. 22 Q. You know what, it's very fair for you to say "I 23 don't remember", and that's an answer I can live with, so. 24 And you don't have to apologize for that. Okay? 25 Do you know when she became a principal, an</p>

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<p style="text-align: right;">Page 22</p> <p>1 administrator?</p> <p>2 A. I don't know what year.</p> <p>3 Q. Aside from her assignment at Strong Vincent, do</p> <p>4 you recall what school -- which school she was assigned to</p> <p>5 as an administrator?</p> <p>6 A. I can't recall. I know before she came to, I</p> <p>7 believe, Strong Vincent. I don't remember whether she was</p> <p>8 an administrator before Strong Vincent. She might have</p> <p>9 been. I don't remember. I just remember working with her</p> <p>10 there at Strong Vincent. That's what I can remember.</p> <p>11 Q. Do you know if she is still an administrator?</p> <p>12 A. Yes, she is.</p> <p>13 Q. Where is she assigned now?</p> <p>14 A. I believe she is at Harding Elementary.</p> <p>15 Q. Now, so did Mr. Scozzie -- what did Mr. Scozzie</p> <p>16 tell you about the two girls?</p> <p>17 A. There was an incident at school, and that he</p> <p>18 wanted me to look at placements for the students and start</p> <p>19 the process for students -- the students.</p> <p>20 Q. Did he tell you what the incident at the school</p> <p>21 was?</p> <p>22 A. He indicated that there was something sexual in</p> <p>23 nature that had occurred, and that to start the process for</p> <p>24 looking at an alternative placement.</p> <p>25 Q. Was this an oral conversation, or did he give you</p>	<p style="text-align: right;">Page 24</p> <p>1 doing paperwork.</p> <p>2 Q. Did you meet with Miss Cappabianca? Did you</p> <p>3 either meet with her or talk to her?</p> <p>4 A. I might have called her on the phone. I may have</p> <p>5 called her on the phone to get general information to make</p> <p>6 sure I had the right phone numbers or addresses or things</p> <p>7 like that.</p> <p>8 Q. Did you meet with or talk about the two girls with</p> <p>9 any of the teachers there?</p> <p>10 A. No.</p> <p>11 Q. So you wouldn't have talked to Miss Scully or</p> <p>12 Miss Manus?</p> <p>13 A. No, hum-um.</p> <p>14 Q. So basically you were told to do the paperwork?</p> <p>15 A. Yes. To start the process for placements for the</p> <p>16 students; to get them from that environment -- remove them</p> <p>17 from that environment.</p> <p>18 Q. There was no IEP team convened when they were</p> <p>19 moved from that environment, was there?</p> <p>20 A. You have to have a new IEP to go into any other</p> <p>21 alternative placements.</p> <p>22 Q. But that wasn't my question. Did an IEP team meet</p> <p>23 concerning this?</p> <p>24 A. It's right here (indicating).</p> <p>25 Q. Okay. Let's look at 1 and 2, so maybe you can</p>
<p style="text-align: right;">Page 23</p> <p>1 anything in writing about the incident?</p> <p>2 A. No, it was an oral conversation. It took place at</p> <p>3 his office.</p> <p>4 Q. And did he specifically describe this actual</p> <p>5 incident?</p> <p>6 A. No, he did not.</p> <p>7 Q. Eventually, I would assume that you learned what</p> <p>8 the sexual incident was.</p> <p>9 A. Well, I knew it was off school grounds and it</p> <p>10 involved several students.</p> <p>11 Q. And how did you know that?</p> <p>12 A. Just from me working on the case, going through</p> <p>13 the case, what do I need to do, how many kids do I need</p> <p>14 to -- you know, what are the names of the students, do I</p> <p>15 need to contact parents and things like that.</p> <p>16 Q. Now, were you asked to contact the parents of the</p> <p>17 victims and the assailants? Just the victims? Just the</p> <p>18 assailants? Or do you not recall?</p> <p>19 A. All I know is that I -- I can remember is working</p> <p>20 with the two -- two females. And working with two students</p> <p>21 that were middle school special education girls.</p> <p>22 Q. And did you meet with either of the girls?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you meet with their parents?</p> <p>25 A. I don't quite remember meeting with anyone. I was</p>	<p style="text-align: right;">Page 25</p> <p>1 help me -- help me through this. So let me find it. I</p> <p>2 suppose we could look at Exhibit No. 1 first.</p> <p>3 A. Um-hum.</p> <p>4 Q. And I'll tell you what, Ms. Moore, we have the --</p> <p>5 we have the file here, and so I'm not going to vouch that</p> <p>6 this is a comprehensive, you know, set of paperwork; at</p> <p>7 least the thing that has been marked as Exhibit 2. But we</p> <p>8 do have the file that has been provided to us by the Erie</p> <p>9 School District, and we can look through it if this doesn't</p> <p>10 appear to be the -- sort of the comprehensive documentation</p> <p>11 that you worked on.</p> <p>12 So, first of all, I take it that -- let's look at</p> <p>13 Exhibit -- this would be Moore Exhibit 1, Document 419, Erie</p> <p>14 Document 419. This is a document dated January 18th, 2002.</p> <p>15 And tell me what this document is.</p> <p>16 A. This is a revision to R [REDACTED] P [REDACTED]</p> <p>17 Individualized Education Program, to include participation</p> <p>18 in the therapeutic support program at Sarah Reed.</p> <p>19 Q. Now, tell me, does that say that on the first page</p> <p>20 of Exhibit 1, or is that something that you derived from</p> <p>21 the -- all of the -- all of the content? In other words,</p> <p>22 you're reading between the lines, right, or --</p> <p>23 A. It's here.</p> <p>24 Q. Okay. So you indicated that this is an IEP</p> <p>25 review -- IEP revision that provides for a therapeutic</p>

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<p style="text-align: right;">Page 26</p> <p>1 plan --</p> <p>2 A. Um-hum.</p> <p>3 Q. -- at Sarah Reed.</p> <p>4 A. Yes.</p> <p>5 Q. And which page of that Exhibit 1 are you looking</p> <p>6 at where that says that?</p> <p>7 A. Well, working on solutions to interpersonal</p> <p>8 self-related problems, behaviors. You have annual goals,</p> <p>9 short-term objectives that address the particular plan.</p> <p>10 Q. Wait. You have to go slower so I can follow.</p> <p>11 (Discussion held off the record.)</p> <p>12 Q. So you are looking at 0419.</p> <p>13 A. Right. And this is the additional goal added to</p> <p>14 the child's current IEP at that time; to work on -- identify</p> <p>15 appropriate solutions to interpersonal and self-related</p> <p>16 problem behaviors.</p> <p>17 Q. Okay. So --</p> <p>18 A. That's an annual goal. Short-term objectives are</p> <p>19 there. Develop consistent patterns --</p> <p>20 (Proceedings interrupted by reporter.)</p> <p>21 Q. You have to --</p> <p>22 A. I'm sorry.</p> <p>23 Q. People read faster than they talk, so.</p> <p>24 A. And then you see the objective there, the</p> <p>25 benchmark.</p>	<p style="text-align: right;">Page 28</p> <p>1 that we know we want to have a particular plan, a</p> <p>2 therapeutic plan that will be developed in more detail once</p> <p>3 the child is placed at Sarah Reed.</p> <p>4 Q. Okay. But did you come up with that language,</p> <p>5 "Develop consistent patterns of appropriate behavior through</p> <p>6 a program of therapeutic behavior support," or did</p> <p>7 Miss Gray?</p> <p>8 A. I think departmentally, we tried to look at</p> <p>9 different types of wording that will allow us to work</p> <p>10 specifically with students.</p> <p>11 Q. Okay. But I'm talking about this -- this actual</p> <p>12 language on this actual piece of paper under Objective</p> <p>13 Benchmark. Do you know who created that?</p> <p>14 A. I would have advised them of this. When they</p> <p>15 met -- as you can see, my signature is not on this page. So</p> <p>16 we talk about the fact that I was working on paperwork,</p> <p>17 these are some of the things that I advised them on when</p> <p>18 they had to come down and sit with the parent to do the</p> <p>19 revision to the IEP to make the placement for the student.</p> <p>20 So I would have advised them on suggested annual</p> <p>21 goals, objectives, and so on in order to do this placement.</p> <p>22 Q. Now, what was the -- if you know, what was the</p> <p>23 appropriate behavior -- quote, appropriate behavior, end</p> <p>24 quote -- that was referred to in the objective benchmark?</p> <p>25 What behavior was considered appropriate that you wanted to</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. So develop consistent patterns of appropriate</p> <p>2 behavior through a program of therapeutic behavior report</p> <p>3 [sic].</p> <p>4 A. Support.</p> <p>5 Q. Support. I'm sorry.</p> <p>6 A. All right. And then expected levels and so on.</p> <p>7 And then the specially designed instruction that goes along</p> <p>8 with being in a program; consistent participation and social</p> <p>9 skills training and counseling program, as well as a</p> <p>10 medication management. An individualized intervention plan</p> <p>11 will be developed in conjunction with IEP goals and</p> <p>12 objectives. And transition activities for the return to the</p> <p>13 home school are planned or carried out with the</p> <p>14 multi-disciplinary team approach. And then --</p> <p>15 Q. Before we go on to the next page, there is a</p> <p>16 couple questions I would have so you could explain that to</p> <p>17 me.</p> <p>18 The objective is to develop consistent patterns of</p> <p>19 appropriate behavior through a program of therapeutic</p> <p>20 behavior support.</p> <p>21 A. Um-hum.</p> <p>22 Q. Now, who came up with that, to your knowledge,</p> <p>23 objective?</p> <p>24 A. That would be a very generalized, I would say,</p> <p>25 objective, in order that we can move into the placement so</p>	<p style="text-align: right;">Page 29</p> <p>1 help Rachel achieve?</p> <p>2 A. In particular, when we said develop appropriate</p> <p>3 patterns of appropriate behavior, those things would be more</p> <p>4 clearly defined once the child was at Sarah Reed. They did</p> <p>5 some observation, and they looked at the critical areas --</p> <p>6 the more critical areas of need.</p> <p>7 Q. How did you know that patterns of appropriate</p> <p>8 behavior had to be developed?</p> <p>9 A. Well, if students are having any difficulty, no</p> <p>10 matter whether it's emotional, socially emotional, or</p> <p>11 whatever -- it could be any type of pattern of inappropriate</p> <p>12 behavior; if it's social behavior, it's emotional behavior.</p> <p>13 There are a lot of different types of behavior to be</p> <p>14 addressed.</p> <p>15 Q. What behavior of R[REDACTED] was -- needed addressed?</p> <p>16 Do you know, as we sit here today, do you know what behavior</p> <p>17 of R[REDACTED] needed to be addressed?</p> <p>18 A. There were -- at this particular time, it was my</p> <p>19 understanding that there were some emotional concerns</p> <p>20 involving the incidents that had taken place at school, to</p> <p>21 provide some support for the child because of the emotional</p> <p>22 concerns or the experiences that the child may have</p> <p>23 encountered.</p> <p>24 Q. And do you specifically -- do you know what</p> <p>25 emotional concerns there were?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. There was some sexual activity.</p> <p>2 Q. What kind of sexual activity?</p> <p>3 A. I'm not sure of the details of everything, but</p> <p>4 there was sexual activity.</p> <p>5 Q. Tell me what you recall.</p> <p>6 A. Boys and girls outside of the school environment</p> <p>7 having sexual contact with one another. And there was</p> <p>8 concerns about the situation overall. You know, naturally,</p> <p>9 the appropriateness of the situation. And that was</p> <p>10 affecting the female students.</p> <p>11 Q. Okay. Do you know whether the males who were</p> <p>12 involved in the activity outside the school, whether their</p> <p>13 IEP's were changed?</p> <p>14 A. I don't know. These are -- these are the two</p> <p>15 students that I worked with.</p> <p>16 Q. Now, the specially designed instruction, let me</p> <p>17 just look at that for a second. It says, "Consistent</p> <p>18 participation in social skills training and in counseling</p> <p>19 program, as well as medication management."</p> <p>20 A. Um-hum.</p> <p>21 Q. Could that instruction, could that have been</p> <p>22 provided in the Erie schools?</p> <p>23 A. The intensity of counseling services or -- we have</p> <p>24 counseling services. I mean, we have what you call behavior</p> <p>25 specialists in the building. And that they may work with</p>	<p style="text-align: right;">Page 32</p> <p>1 actually -- could be said, this is an IEP plan; the top</p> <p>2 page --</p> <p>3 A. It's a part of the plan.</p> <p>4 Q. A part of the plan, okay. And then it says, "An</p> <p>5 individualized --" going back to the first page, it says,</p> <p>6 "An individualized intervention plan will be developed in</p> <p>7 conjunction with IEP goals and objectives."</p> <p>8 A. Um-hum.</p> <p>9 Q. Now, you're not -- you're not creating that with</p> <p>10 this IEP. What you're saying is we're changing the</p> <p>11 placement, and they are going to create that individualized</p> <p>12 intervention plan; is that right?</p> <p>13 A. Yes. They have individual plans for students.</p> <p>14 Once they arrive, they develop a treatment plan.</p> <p>15 Q. Now, do they send that back to you so that it</p> <p>16 becomes part of the Erie School District's permanent record?</p> <p>17 A. What we do have is the finalized -- the discharge</p> <p>18 and summary information about the goals that they worked on.</p> <p>19 Q. So you get that at the end?</p> <p>20 A. Yes, we do.</p> <p>21 Q. Okay. Now, then the second page of Exhibit --</p> <p>22 second and third page of Exhibit 2, is that your handwriting</p> <p>23 on this page?</p> <p>24 A. No, it is not.</p> <p>25 Q. Okay. Do you know who wrote that?</p>
<p style="text-align: right;">Page 31</p> <p>1 students and counsel them, whatever. We have student</p> <p>2 support teams, or student SAP teams; Student Assistant</p> <p>3 Programs. But the intensity of services in counseling and</p> <p>4 so on is greater at Sarah Reed than it would be directly in</p> <p>5 the school building.</p> <p>6 Q. Okay. Then the next -- but this doesn't -- this</p> <p>7 particular page of the document doesn't say you're referring</p> <p>8 the -- the student to Sarah Reed. Now, answer that question</p> <p>9 first. Page 1 doesn't say that; is that right?</p> <p>10 A. No, it doesn't say that.</p> <p>11 Q. Okay. But Page 2, I guess where it says Notice of</p> <p>12 Recommended Educational Placement, that does refer to Sarah</p> <p>13 Reed.</p> <p>14 A. Yes, it does.</p> <p>15 Q. So when I look at this document, I can't just look</p> <p>16 at the first page. I have to look at the entire document.</p> <p>17 A. That's correct.</p> <p>18 Q. Actually, it says -- it does say, "Change from</p> <p>19 Strong Vincent to Sarah Reed," on this document at the top.</p> <p>20 A. Um-hum.</p> <p>21 Q. The top page of Exhibit 1, does that now become</p> <p>22 part of Rachel's IEP?</p> <p>23 A. Yes. That goes with the other part of her IEP;</p> <p>24 with her academic goals and objectives.</p> <p>25 Q. So this is actually -- this document is</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Specifically, someone who was there -- who has</p> <p>2 their signatures there. Either Mrs. Gray, teacher of</p> <p>3 record -- or special education teacher, or someone who's</p> <p>4 participated on that -- on the IEP team.</p> <p>5 Q. The way this has been provided to us, it's been</p> <p>6 provided as 420, and then the next page is numbered 421.</p> <p>7 And I don't see anyone who has signed that document from the</p> <p>8 School District. I see your name on there, C. Moore, on the</p> <p>9 second page. But you're indicating that you didn't write</p> <p>10 the first page.</p> <p>11 A. Hum-um.</p> <p>12 Q. Is that your signature on the second page?</p> <p>13 A. No. Someone printed my name there, because I'm</p> <p>14 the supervisor of the program. That's who you refer to if</p> <p>15 you have any questions.</p> <p>16 Q. Is there someplace on this form, the Notice of</p> <p>17 Recommended Educational Placement, where an Erie School</p> <p>18 District representative is supposed to sign?</p> <p>19 A. No. It is not required by law for a</p> <p>20 representative, other than to affix the superintendent's</p> <p>21 signature.</p> <p>22 Q. Okay.</p> <p>23 A. Other than that, no one else's signature is there</p> <p>24 but the parent, because it shows that the parent approves of</p> <p>25 the placement by the parent signature. This is issued to</p>

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<p style="text-align: right;">Page 34</p> <p>1 the parent; that he or she agrees with the change in</p> <p>2 placement.</p> <p>3 Q. Okay.</p> <p>4 (Discussion held off the record.)</p> <p>5 Q. Now, the first -- well, I guess what we're looking</p> <p>6 at in terms of Exhibit 1, the first three pages of this</p> <p>7 exhibit, are the IEP revision review and the Notice of</p> <p>8 Recommended Educational Placement. Are there any other</p> <p>9 letters or documents that are needed to legally accomplish</p> <p>10 the change in educational setting?</p> <p>11 A. After this is received in the special education</p> <p>12 office, then information is given to Sarah Reed. The parent</p> <p>13 has agreed to the program, and they usually set up a time</p> <p>14 and date to do an intake. And they get basic information</p> <p>15 from parents through the intake process, and then we issue a</p> <p>16 placement letter to let the parent know, you know, the</p> <p>17 effective date of the change in placement.</p> <p>18 Q. Now, looking at the document -- it's part of that</p> <p>19 exhibit -- I think it's the fourth page --</p> <p>20 A. Um-hum.</p> <p>21 Q. -- 442. It's a handwritten statement. It appears</p> <p>22 to be signed by Shelley P. [REDACTED]</p> <p>23 A. Um-hum.</p> <p>24 Q. And do you know who asked Miss P. [REDACTED] to write</p> <p>25 that up?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Yeah.</p> <p>2 A. O. Pecoraro.</p> <p>3 Q. Okay.</p> <p>4 A. Or A. Pecoraro, rather.</p> <p>5 Q. And that would be the -- Audrey --</p> <p>6 A. Pecoraro.</p> <p>7 Q. So that would be -- and is she -- do you know</p> <p>8 whether she's an employee of the Erie School District?</p> <p>9 A. Yes, she is.</p> <p>10 Q. Then do you know whether you ever saw this Request</p> <p>11 for Home-School Visitor Service or the commentary that was</p> <p>12 on it?</p> <p>13 A. This would have to be somewhere -- this has to be</p> <p>14 in her file.</p> <p>15 Q. Okay. But my question was, did this ever come to</p> <p>16 your attention? This particular document.</p> <p>17 A. No.</p> <p>18 Q. I note that on -- the home-school visitor wrote on</p> <p>19 1/18/02 that, "HSV went to home. Mother had difficulty</p> <p>20 remembering our appointment. Apparently she is heavily</p> <p>21 medicated and has memory problems. Form signed. Intake is</p> <p>22 scheduled for 1/21/02 at 11:00. Student will begin program</p> <p>23 on 1/22/02."</p> <p>24 A. Um-hum.</p> <p>25 Q. That would be something probably that Miss Audrey</p>
<p style="text-align: right;">Page 35</p> <p>1 A. This was probably written as a part of the process</p> <p>2 that the Sarah Reed -- paperwork that Sarah Reed would need.</p> <p>3 There's information that in addition to the -- this, that</p> <p>4 Sarah Reed wants in order to take students into their</p> <p>5 program. They have their own paperwork. They requested</p> <p>6 that a waiver be signed in order to do the placement in</p> <p>7 their program.</p> <p>8 Q. Okay. Then can you look at the next page. This</p> <p>9 is a Request for Home-School Visitor Service.</p> <p>10 A. Um-hum.</p> <p>11 Q. And can you tell me, is that an Erie School</p> <p>12 District form?</p> <p>13 A. Yes, it is.</p> <p>14 Q. What's a Request for Home-School Visitor Service?</p> <p>15 A. A home-school visitor is an individual who works</p> <p>16 like a social worker for us, to make contact with parents to</p> <p>17 help facilitate things that we need done in the District.</p> <p>18 Making home visits and so on and so forth for us, giving</p> <p>19 parents information, sharing information. And, also, one of</p> <p>20 our home-school visitors works closely with us in doing the</p> <p>21 Sarah Reed placements.</p> <p>22 Q. Okay. And then would this Marlene Frank, would</p> <p>23 she be the -- who would be the home-school visitor here?</p> <p>24 Can you tell?</p> <p>25 A. "Assigned to". See at the bottom there?</p>	<p style="text-align: right;">Page 37</p> <p>1 Pecoraro wrote; is that right?</p> <p>2 A. Um-hum.</p> <p>3 Q. Okay.</p> <p>4 A. Yes. I'm sorry.</p> <p>5 Q. Now, and then you brought a document today that</p> <p>6 pertained to R. [REDACTED] which we'll -- you brought one</p> <p>7 concerning K. [REDACTED] along and one concerning R. [REDACTED]. And</p> <p>8 this is a document which we'll mark as an exhibit.</p> <p>9 MR. OLDS: And we could get copied, you know, when</p> <p>10 we take a break here.</p> <p>11 Q. This is a -- the copy's entitled Discipline Note,</p> <p>12 and it's dated 1/11/02; is that right?</p> <p>13 (Discussion held off the record.)</p> <p>14 (Recess held from 3:30 p.m. to 3:40 p.m.)</p> <p>15 (Moore Deposition Exhibits 3, 4, 5, 6, 7, and 8</p> <p>16 marked for identification.)</p> <p>17 Q. So we were talking, I think, about this document</p> <p>18 that's now been marked as Exhibit 3 that is a Discipline</p> <p>19 Note. And you brought this to the deposition today.</p> <p>20 A. Um-hum.</p> <p>21 Q. And the Discipline Note pertains to R. [REDACTED]</p> <p>22 P. [REDACTED]. And then Exhibit 4 is a similar Discipline Note</p> <p>23 that pertains to K. [REDACTED] L. [REDACTED]</p> <p>24 A. Um-hum.</p> <p>25 Q. And tell me what this is about.</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. I made up the form myself, in order to manage what 2 was going on with students when people make requests for 3 assistance with students. So I put that in, and I use it 4 basically for when we were working with students, we needed 5 to provide any services in school for students while we were 6 working on different things. That's why I call it a 7 discipline note. Because usually it's used when there is a 8 discipline problem.</p> <p>9 This -- I just used this note to correspond the 10 request that the school administrator, Mrs. Cappabianca, and 11 with the agreement of the parent, remove the student from 12 the building for a time period. Okay? To provide some 13 services in the home. That's why it says at the bottom, 14 "Five days in-home IEP to begin Monday, January 14, 15 through -- ending Tuesday, January 22nd." I always provide 16 the address, the parents' phone number, and the parents' 17 name, so that the individuals providing the in-house support 18 will know who to contact, how long they are supposed to 19 provide services, and set the schedule up with the parent.</p> <p>20 So once I fax that out -- that's just for me to 21 let me know I did it, you know, and what the reason was. 22 And here, the incident, I didn't put the incident. I just 23 put change in location of service because of the severe 24 confidential nature of the situation.</p> <p>25 Q. Okay. And then would you have -- who would have</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Oh, no. This form is State-mandated. 2 Q. Not the form. I mean, did you -- is this your 3 printing on this form? 4 A. No. This appears -- it appears to be Mr. Rogers' 5 printing. It appears to me to be that. 6 Q. Okay. Then the third page of this exhibit, 7 Exhibit 2, is Bates-stamped 739. 8 A. Um-hum. 9 Q. And this is the IEP revision review; is that 10 right? 11 A. That's correct. 12 Q. And is it fair to say that the IEP revision 13 review, the language on this is -- on this one is precisely 14 the same language as appeared on the IEP revision review for 15 Rachel? 16 A. That is correct. 17 Q. Okay. I mean, they are both -- the new education 18 plan for K [REDACTED] was, "Develop consistent patterns --" 19 excuse me. The objective was, "Develop consistent patterns 20 of appropriate behavior through a program of therapeutic 21 support." 22 A. Um-hum. 23 Q. And that's exactly the same language that appears 24 on R [REDACTED] IEP. 25 A. That is correct.</p>
<p style="text-align: right;">Page 39</p> <p>1 received this? You had distributed this to who? 2 A. The support person, Mr. Rogers at the time. Paul 3 Rogers. 4 Q. So we hadn't talked about Exhibit 2 yet. We sort 5 of got to 3 and 4 before we got -- and Exhibit 2 is a -- 6 this is a -- I see. This -- this one pertains to K [REDACTED] 7 [REDACTED] 8 A. Um-hum. 9 Q. And, actually, the top page of Exhibit 2 is Notice 10 of Recommended Functional -- does that say functional 11 placement? 12 A. No. That was -- it says Notice of Recommended 13 Evaluation. That was a print shop error. 14 Q. Okay. 15 A. And we decided we would keep the error, instead of 16 throwing all the papers away, and fix it with handwriting. 17 Q. Okay. That's fine. What did you write in there 18 on top? Is that functional or educational? 19 A. It should be educational. 20 Q. Educational, okay. Now, this one is a -- the 21 action proposed is temporary in-home IEP, five days, ending 22 January 22nd. 23 A. Um-hum. 24 Q. Again, your name is affixed here; is printed on 25 this form. Did you create this form?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Okay. And on this one, I guess the fifth page of 2 this exhibit, this handwritten page here -- it would be 3 Bates-stamped 744 down at the bottom. This is Exhibit 2. 4 A. 744? 5 Q. It's the fifth page of the exhibit, I think. 6 A. Um-hum. 7 Q. The handwritten thing. 8 A. Um-hum. 9 Q. This was apparently a document signed by Denise 10 L [REDACTED] saying she wants her daughter transferred to the Erie 11 School District's alternative education program. 12 A. Um-hum. 13 Q. And that means -- 14 A. The Sarah Reed program. 15 Q. Sarah Reed program. That appeared just to be a 16 duplicate. 17 A. Um-hum. 18 Q. Then 819 is the Notice of Recommended Educational 19 Placement. And, again, is that your printing on this 20 document? 21 A. No, it is not. 22 Q. And this says why the action is proposed or 23 refused. It reads, "Student's current high degree and 24 intensity of stress as recorded by parents, student, and the 25 Erie School District staff. Intensity and frequency of</p>

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<p style="text-align: right;">Page 42</p> <p>1 therapeutic intervention exceed that which can be delivered 2 in the regular school setting." 3 And then the evaluation procedure, test records, 4 report, a verbal sharing of discharge summary from Millcreek 5 Community, and information provided by the student, parent, 6 ESD staff, including mental health staff. Which mental 7 health staff provided information for this Notice of 8 Recommended Educational Placement? 9 A. I'm not quite sure. It could be mental health 10 staff either from -- they have Millcreek information, and 11 there's also -- I mentioned before mental health staff in 12 the building. 13 Q. And do you remember which mental health staff was 14 assigned to the Strong Vincent School? 15 A. I'm trying to remember. I can't remember the 16 name. I'm sorry. 17 Q. Now, you didn't print the reasons for change. Do 18 you remember, did you -- where it's printed, your name is 19 printed, C. Moore -- 20 A. Yes. 21 Q. -- did you put your initials there -- I mean, 22 your -- 23 A. No. Someone printed my name here as the 24 supervisor. 25 Q. Did you supervise the preparation of this</p>	<p style="text-align: right;">Page 44</p> <p>1 placement. You can offer that to them. 2 Q. So it would be your testimony that it wasn't 3 necessarily the teacher or the assistant principal or even 4 you that came up with the idea of Sarah Reed originally. It 5 would be your boss, the director. 6 A. I was directed by Mr. Scozzie to start the -- 7 Q. Process. 8 A. -- process -- 9 Q. -- to get them in. 10 A. -- to get them in. Now, the decision, I don't 11 know. I'm just following my directive from my supervisor. 12 Q. All right. And you don't know what information 13 Mr. Scozzie had; who talked to him? 14 A. No, I do not. 15 Q. Okay. We have marked as Exhibit 5, it looks like 16 some notes that you made. 17 A. It's from my personal note pad. That's probably 18 the notes I took when I was in the office with Mr. Scozzie 19 when he gave me directive. I was trying to figure out what 20 I needed to do or got information from someone. But this is 21 just from my own personal note pad where I make notes of 22 things I need to do. 23 Q. Okay. And at the top, it says, it looks like "See 24 Marlene."? 25 A. Um-hum.</p>
<p style="text-align: right;">Page 43</p> <p>1 document? For instance, did you tell whoever made it what 2 to say? 3 A. I don't recall whether someone consulted with me 4 or not. Maybe, maybe not. I'm not sure. 5 Q. Okay. Well, you must have given -- whoever -- do 6 you know who prepared it -- the specific person who prepared 7 this? 8 A. I don't know the -- I can't tell whose handwriting 9 this is specifically. 10 Q. You must have given someone the authority to print 11 your name on it, though; is that right? 12 A. Well, it is because of the procedural safeguards, 13 and I'm the program supervisor. It's always indicative to 14 put the program supervisor's name if anyone has any 15 questions or concerns. 16 Q. Okay. So your name goes on there as standard 17 procedure. 18 A. Yes. 19 Q. And if I asked you this question, I apologize. Do 20 you -- the decision to place these girls at Sarah Reed, how 21 did that -- who made that decision? 22 A. The recommendation to be placed at Sarah Reed, I 23 do believe came from the Director of Special Education, to 24 take a look at the situation and, you know, that's an option 25 you can provide a parent. You know, to have that particular</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Who is Marlene? 2 A. She's Mrs. Chrisman. 3 Q. Mrs. Chrisman? 4 A. The other special education supervisor. 5 Q. Okay. And it says, "See Marlene for SR partial 6 placement." 7 A. Sarah Reed partial placement. 8 Q. Partial placement. 9 A. Um-hum. 10 Q. What is a partial placement? 11 A. It's a different program. It's students who are 12 identified with mental health issues. Sarah Reed has a 13 multitude of programs, and this was just one of them. And I 14 probably -- I probably wrote that just to get more detail, 15 because at the time she was the supervisor of the partial -- 16 district supervisor of the partial program. 17 Q. Do you know what program eventually R [redacted] and 18 K [redacted] were placed into? 19 A. From my review, it was the -- I don't want to call 20 it the behavior support. It's called the therapeutic 21 program. 22 Q. We have marked as Exhibit 6 a document I guess 23 that we have already talked about that was part of Exhibit 24 2. Exhibits 7 and 8 are documents from Jo Barker, director, 25 elementary/middle school programs. Who is Jo Barker? Oh,</p>